

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

RICKY EDWARD HAWKINS

PETITIONER

V.

CIVIL ACTION NO. 3:23-CV-211-DPJ-FKB

WARDEN, CENTRAL MISSISSISSIPPI
CORRECTIONAL FACILITY

RESPONDENT

ORDER

Ricky Edward Hawkins filed this petition for writ of habeas corpus challenging his 2020 state-court convictions on two counts of aggravated DUI. He is serving concurrent terms of twenty-two years in the custody of the Mississippi Department of Corrections. Respondent moved to dismiss the petition [8] based on Hawkins's failure to exhaust his available state-court remedies. Hawkins did not respond to the motion, and United States Magistrate Judge F. Keith Ball recommended granting the motion to dismiss. R&R [11]. The Report and Recommendation issued on November 13, 2023, and Hawkins had fourteen days to object. Fed. R. Civ. P. 72(b)(2); *see* R&R [11] at 6 (advising Petitioner of deadline). Hawkins did not object.

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee's note (1983), *quoted in Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc), *superseded on other grounds by* 28 U.S.C. § 636(b)(1) *as noted in Alexander v. Verizon Wireless Servs., L.L.C.*, 875 F.3d 243, 248 (5th Cir. 2017). Finding no clear error, the Court accepts the well-reasoned recommendation of Judge Ball.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball is adopted as the finding and holding of this Court. Respondent's motion to dismiss [8] is granted; the petition is dismissed without prejudice.

A separate judgment will be entered as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED this the 30th day of November, 2023.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE